

PROCEEDINGS OF THE CITY COUNCIL

MINUTES FORT MADISON CITY COUNCIL Tuesday, July 21, 2020

Mayor Matt Mohrfeld presided with Council Members Mark Lair, Bob Morawitz (arrived at 5:35 p.m.), Tyler Miller and Kevin Rink present. Cangas participated electronically. Andrews participated electronically until he arrived at the meeting at 6:45 p.m. Bowker joined the meeting electronically at XX

The meeting was held with Council, the Mayor, staff and some members of the public present. The meeting was also available electronically (pursuant to Iowa Code Section 21.8) due to social distancing issues because of COVID-19.

VISITORS

New police officers Carson Kuesel and Austin Haas were introduced.

Sean Rogers (by phone), 429 E Wheeler Street, West Burlington, said he owns property located at 2235 Avenue E. He felt the City Building Inspector Doug Krogmeier grossly misrepresented building codes and bullied and harassed him. He had a meeting with the Mayor, City Manager David Varley and Krogmeier on June 9 and did not feel that the issues were resolved.

Lisa Yeagin, 1020 Avenue F, said she called the City when she moved here in 2014 and was told mini pigs were allowed. She was not told of any weight restrictions. She licensed her two pigs in 2016. Following a call to the police about pigs on her property this year, at the advice of the Police Department, she applied for four licenses as she was fostering two pigs at that time. She has now received a letter telling her she has 30 days to remove the pigs. She asked that her two mini pigs be grandfathered in until their passing or until she moves from city limits.

Jim Hatfield, 1522 Avenue F, asked why Avenue L between 15th and 18th Street has been turned into a gravel road. Mohrfeld asked Hatfield to wait until the Department Reports when this question would be answered.

Rodney Hoskins, 2803 Avenue A, Apt. 39, spoke in support of Yeagin's pigs.

Scott Huffman, Jr., 3020 - 270th Avenue, Keokuk, was the chairman of the Fort Madison Mexican Fiesta. He was curious as to what the city's status is as it concerns festivals during the COVID-19 pandemic.

Clara Hnat, 1418 Avenue F, presented a petition to the City Council concerning 1413 and 1409 Avenue F. The petition states that there have been ongoing, loud, vicious and obnoxious arguments at these properties, harassment and bullying of neighbors, including names calling, shaming and disrespect, built up of trash and debris, yelling at and threatening passing cars and damaging neighboring properties. The police department is being called to these properties on almost a daily basis. The residents at these properties have negatively affected the neighborhood as well as lowering property values. There was a question if one of these houses was a drug house. She was concerned as this property is within a block of an elementary school. The petition asked that the City resolve these issues. She added that there is now someone living in a pop-up camper in the backyard.

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Barb Asay said she owns three rental houses in the neighborhood. She said every time she is at one of her properties she sees the issues that Hnat pointed out. There are piles of trash in the front yard and the persons at this property are parking in the front yard which is against city ordinance.

Dave Bohnenkamp, 1412 Avenue F, noted the building and police departments are trying to do their jobs as it regards this property. The neighborhood is just requesting the City work with them as much as possible. He said the Department of Human Services has been called to this property as an eight year old girl was found sleeping in a chair outside last week. The neighborhood is just asking for the City and City Council to help.

Erica Cowles, 1418 Avenue F, said the persons at 1413 Avenue F have made fun of her and her 11 year-old daughter and called them names. She said they call children whores or other language that's even worse.

Valerie Natoli, 3029 Timberlane Drive, said she was representing some persons in the County who live in the vicinity of the proposed PORT Trail to Rodeo Park. The Mayor requested she wait until that agenda item came up.

AGENDA

Lair MOVED and Miller SECONDED to approve the agenda.

**MOTION PASSED 6-0
VOICE VOTE**

CONSENT AGENDA

Cangas MOVED and Morawitz SECONDED to approve the Consent Agenda:

- Minutes of July 7 and July 9, 2020;
- Liquor License Renewal: MOD Convenience Stores, 1531 Avenue H, effective July 10, 2020 – Class E Liquor with Class B Wine;
- Liquor License Renewal: Hy-Vee Gas, 2632 Avenue L, effective September 5, 2020 – Class B Native Wine, Class C Beer with Sunday Sales;
- 14-Day License: RiverFestFM, LLC, 600 Riverview Drive, effective July 29, 2020 – Class B Beer with Outdoor Service and Sunday Sales;
- Resolution No. 2020-29, approving Fiscal Year 2020/21 Budget Transfers;
- Claims dated July 16, July Library Claims and the City Manager's Financial Report; and
- Payroll: June 19, 2020 and July 3, 2020.

**MOTION PASSED 6-0
VOICE VOTE**

DEPARTMENT UPDATES: Old Fort Site Manager Eugene Watkins, provided an update on activities and improvements at the Fort. He showed pictures of some of the repairs and maintenance that has been done at the Fort.

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DEPARTMENT HEAD REPORTS: The Fire Department has been doing some outside training. The Chief attended the Lee County Ambulance committee meeting.

The Building Department has been working with several properties people have been concerned about, several of these have been written up. A public meeting will be held in August for input on the vacant building ordinance.

W. L. Miller has been in town laying asphalt on several streets, they will be back later to finish. Several streets have been prepared, including the one questioned earlier on Avenue L, for the installation of seal coat. The seal coat company should be here by the end of the month to install the seal coat on those streets. Glen Meller Excavating & Asphalt will begin work on the parking lot projects August 3. Morawitz noted one of the properties affected by the GRHS-FMCH multi-use trail on Avenue B has a driveway that slopes very rapidly. Public Works Director Mark Boussetol said this has been engineered and they are looking to adjust the grades for the driveways there.

A speed study is being done on Avenue E. (Andrews arrived at 6:45 P.M.).

The Library is looking to expand the use of the meeting room during the weekend.

The Amtrak Platform project should begin soon. The platform will be three feet wider than expected. Fort Madison is the #1 site on virtualrailfan.com. Vitural Railfan, Inc., wishes to install another camera in the marina area.

ORDINANCES/RESOLUTIONS

1st READING, SIDEWALKS: Cangas MOVED and Morawitz SECONDED to approve the first reading of an ordinance amending Title 8, Public Ways and Property, Chapter 4, Sidewalks.

Boussetol noted with the construction of a walking trail through a residential area, staff looked at revising the ordinance for sidewalks. This adds a section to the Sidewalk code, defines "multi-use trail", releases the adjoining property owner from liability and specifies the segments of multi-use trails in Fort Madison.

ROLL CALL: AYES: Morawitz, Lair, Miller, Andrews, Cangas, Rink
NAYES: None

MOTION PASSED 6-0

The Mayor then declared the first reading of said Ordinance PASSED and APPROVED, this 7th day of July, 2020.

2nd READING, HOUSEKEEPING ORDINANCE: Morawitz MOVED and Lair SECONDED to approve the second reading of an ordinance amending Title 1, Chapters 6 and 13; Title 4, Chapter 8, Title 7, Chapters 2 and 7; Title 8, Chapters 6 and 10; Title 9, Chapters 7, 8, 9, 10 and 13, of the City Code of the City of Fort Madison.

ROLL CALL: AYES: Morawitz, Lair, Miller, Andrews, Cangas, Rink
NAYES: None

MOTION PASSED 6-0

The Mayor then declared the second reading of said Ordinance PASSED and APPROVED, this 21st day of July, 2020.

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2nd READING, AMEND 9-15: Cangas MOVED and Andrews SECONDED to approve the second reading of an ordinance amending Title 9, Chapter 15, Golf Carts, ATVs and UTVs.

ROLL CALL: AYES: Morawitz, Lair, Miller, Andrews, Cangas, Rink
NAYES: None

MOTION PASSED 6-0

The Mayor then declared the second reading of said Ordinance PASSED and APPROVED, this 21st day of July, 2020.

RESOLUTION NO. 2020-37, ORDER CONSTRUCTION, SET P.H., BID LETTING: Rink MOVED and Lair SECONDED to adopt a resolution ordering construction, setting public hearing and bid letting for Public Improvement Project 2020-04, Henry Laydn Sewer Relocation.

Bousselot said this is for the relocation of the force main along Highway 61 outside of Siemens in anticipation of the slip ramp the Iowa Department of Transportation is installing. The City will pay for the work and IDOT will reimburse the City.

ROLL CALL: AYES: Morawitz, Lair, Miller, Cangas, Andrews, Rink
NAYES: None

MOTION PASSED 6-0

The Mayor then declared said Resolution ADOPTED and ENACTED, this 21st day of July, 2020.

Bowker joined the meeting electronically.

RESOLUTION NO. 2020-38, 28E ADDENDUM FOR SALT STORAGE: Lair MOVED and Canags SECONDED to adopt a resolution approving the Mayor's signature on an Addendum to a 28E Agreement for Salt Storage with Lee County and the Iowa Department of Transportation.

ROLL CALL: AYES: Morawitz, Lair, Miller, Cangas, Andrews, Rink, Bowker
NAYES: None

MOTION PASSED 7-0

The Mayor then declared said Resolution ADOPTED and ENACTED, this 21st day of July, 2020.

CONFLICT OF INTEREST WAIVER: Cangas MOVED and Miller SECONDED to approve the Mayor's signature on a Conflict of Interest Waiver allowing Lynch Dallas, P.C., to draft a 28E Agreement with Lee County for PORT's GRHS-FMCH Community Foundation's proposed multi-use trail

ROLL CALL: AYES: Morawitz, Lair, Miller, Cangas, Andrews, Rink
NAYES: None

(There was a communication issue with Bowker and she was unable to voice her vote)

MOTION PASSED 6-0

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RESOLUTION NO. 2020-39, 28E AGREEMENT WITH LEE COUNTY: Cangas MOVED and Miller SECONDED to adopt a resolution approving the Mayor's signature on a 28E Intergovernmental Agreement with Lee County allowing the City of Fort Madison to construct PORT's GRHS-FMCH Community Foundation's multi-use trail on Lee County's right-of-way along County Highway X32 and 302nd Avenue between Fort Madison City Limits and Rodeo Park.

Valerie Natoli, 3029 Timberlane Drive, said she was representing some persons in the County who live in the vicinity of the proposed PORT Trail to Rodeo Park. She believed no one had contacted the 7-8 persons who live along the trail about drainage issues, privacy or nuisance barriers, mail boxes, liability or who would be clearing their driveways.

Mohrfeld said these persons can contact the City Public Works Director at any time regarding these questions. Natoli also questioned if the street would be blocked, if driveways would be blocked and about parking during construction. Mohrfeld said this is a professionally engineered project and this is part of what that firm will do.

Bousselot said both drainage structures along the road will be extended and one will have a new intake. It is possible the road may be partially closed with one lane open and flaggers. Natoli said grain truck traffic on X32 has increased since 2nd to 6th Street is closed.

ROLL CALL: AYES: Morawitz, Lair, Miller, Cangas, Andrews, Rink, Bowker
NAYES: None

MOTION PASSED 7-0

The Mayor then declared said Resolution ADOPTED and ENACTED, this 21st day of July, 2020.

RESOLUTION NO. 2020-40, 28E AGREEMENT WITH LEE COUNTY: Cangas MOVED and Rink SECONDED to adopt a resolution approving the Mayor's signature on a Permanent Easement Agreement with Fort Madison Community School District allowing the City of Fort Madison to build PORT's GRHS-FMCH Community Foundation's multi-use trail on across their property.

ROLL CALL: AYES: Morawitz, Lair, Miller, Cangas, Andrews, Rink, Bowker
NAYES: None

MOTION PASSED 7-0

The Mayor then declared said Resolution ADOPTED and ENACTED, this 21st day of July, 2020.

RESOLUTION NO. 2020-41, APPLY FOR REAP GRANT FOR PORT TRAIL PHASE 4: Rink MOVED and Cangas SECONDED to adopt a resolution approving the Mayor's signature on and the filing of an application for the Iowa Department of Natural Resources' Resource Enhancement and Protection Program for construction of PORT's Connecting Fort Madison Phase IV 48th Street Trail Connection.

ROLL CALL: AYES: Morawitz, Lair, Miller, Cangas, Andrews, Rink, Bowker
NAYES: None

MOTION PASSED 7-0

The Mayor then declared said Resolution ADOPTED and ENACTED, this 21st day of July, 2020.

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OTHER

CITY ATTORNEY SERVICES: Rink MOVED and Miller SECONDED to approve the Mayor's signature on a Contract for City Attorney Services with Lynch Dallas, P.C. to provide legal services for the City of Fort Madison.

Varley said the City has been using Pat O'Connell of Lynch Dallas for a long time for various issues and has been very pleased. The firm has a number of attorneys who specialize in various municipal matters who have already been working with city staff. Varley noted Robert Johnson has served the City well and has done a wonderful job through the years.

**MOTION PASSED 7-0
ROLL CALL**

MUNICIPAL INFRACTIONS: Miller MOVED and Rink SECONDED to approve the Mayor's signature on a contract with Attorney Ed Harvey for his services to represent the City of Fort Madison as a prosecutor for traffic and other criminal infractions.

**MOTION PASSED 7-0
ROLL CALL**

CITY HALL ROOF: Cangas MOVED and Bowker SECONDED to approve the bid of Brockway Mechanical & Roofing Co., of Burlington, Iowa, in the amount of \$29,050, for the Shingle Roof Replacement Project at Fort Madison City Hall.

**MOTION PASSED 7-0
ROLL CALL**

BOARD APPOINTMENT: Morawitz MOVED and Miller SECONDED to approve the Mayor's appointment of Patrice Jordan, to the Historic Preservation Commission, term expiring December 31, 2022.

**MOTION PASSED 7-0
VOICE VOTE**

DISCUSSION ITEMS: Discussion and possible action concerning an amendment to Title 1, Administration, Chapter 13, Employees, Benefits, Regulations and Residence Requirements; Section 3, Residence Requirements.

Mohrfeld said this is just a discussion concerning the residency requirement of 10 miles for employees. Police Chief Mark Rohloff felt he could expand his potential employee pool if this requirement was opened up. In a discussion with the department heads, it was learned some of the departments wanted control over how close their employees were.

It was suggested to set a maximum of 20 miles. Each department can have a different maximum: for example, police would be 15-20 miles, fire 10 miles and public works possibly 15 miles. It was noted Iowa's Civil Service regulations require all those covered under Civil Service to live in Iowa. Bowker said she assumed the 10-mile radius was for public safety responses and was concerned about response times in case of an emergency.

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Varley felt it would be very rare to have all police personnel called in. The fire department is different and the Fire Chief wants to keep their limit at 10 miles.

City Attorney Pat O'Connell noted department heads can create policies that are unique to their department. The City can also choose to incentivize employees to live in the city with things like a higher rate of pay.

Andrews believed that if a new department head wished to change the requirement that all current employees should be "grandfathered" in and not have to move.

COUNCIL MEMBER COMMUNICATIONS: The Public Safety Committee has been discussing parking and visibility on Avenue E. Fire Chief Herren noted he has been discussing occupancy matters with Riverfest. Morawitz said a resident contacted him asking if there was anything in the City's lease agreement with Tri-State Rodeo that would require them to social distance and use masks.

At the last Historic Preservation Commission meeting a question and answer session with Paula Mohr of the State Historical Society of Iowa was held. They are looking for some grants to provide match money.

MAYOR ANNOUNCEMENTS: Mohrfeld noted a very successful clean-up was held in Riverview Park. The organizer is looking to hold another one soon and is seeking a sponsor to provide a drinks and a meal. The Old Fort video will be out next month. American Cruise Lines has boats scheduled to arrive in Fort Madison. He has been attending a weekly task force meeting with the Lee County Broadband Task Force.

ADJOURNMENT

At 7:52 P.M., the regular meeting adjourned until Tuesday, August 4, 2020, at 5:30 P.M.

MANUAL CLAIMS & WARRANTS: See Claims dated July 16 in the amount of \$931,344.67 and July Library Claims in the amount of \$4,851.23.

PAYROLL	7/17/2020
General	\$187,259.29
Old Fort	5,572.76
Road Use	27,614.69
Tourism	1,341.40
Vol Payroll Ded.	6,257.02
Water	30,063.61
Sewer	40,455.54
Solid Waste	12,360.58
Airport	486.54
Storm Water	3,751.85
	\$315,163.28

Matt J. Mohrfeld, Mayor

ATTEST:

Melinda L. Blind, City Clerk